

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Crl.Rev.Pet.No. 577 of 2000()

**CRA.17/1999 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.220/1997 of JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI**
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REVN. PETITIONER/APPELLANT/ACCUSED:

**M.D.MATHEW, S/o. DANIEL,
MOLPADAVIL HOUSE, MITHRAKARI,
MUTTAR.**

**BY ADV. SRI.MAURICE VINCENT
SRI.BIJILY JOSEPH**

RESPONDENTS/RESPONDENTS & COMPANY:

- 1. THE FOOD INSPECTOR, ALAPPUZHA CIRCLE.**
- 2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

CRL.R.P.NO.577/2000

:2:

ORDER ON CRL.M.P.NO.3224/2000 IN CRL.R.P.577/2000

DISMISSED.

04.09.2007

Sd/- K.R.UDAYABHANU,JUDGE

TRUE COPY

P.A.TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.577 of 2000

Dated this the 4th day of September, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 16(ix) of the PFA Act read with Rule 50 of PFA Rules to undergo R.I. for three months and to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for three months.

2. Although, it was found that the sample of rice purchased by the Food Inspector from the Rice Mill of the accused was found to be adulterated the second sample sent for analysis to Central Food Laboratory as per the application filed by the accused as per the report of the Central Food Laboratory the sample was not fit for analysis. In the above circumstances, the court below has only examined the allegations as to whether the accused had PFA licence during the relevant period i.e., 1996-97. It is the evidence of PW4, the secretary of the Panchayath, that the accused had no such licence.

3. The revision petitioner/accused has produced before

this court, the licence issued to him in this regard. In the circumstances, I find that the matter requires reconsideration. The orders of the courts below convicting and sentencing the accused is set aside. The matter is remitted back to the court of JFCM, Ramankari who shall permit the revision petitioner/accused to prove his case that he having licence and he has not committed the offence under Section 16(ix) of the PFA Act read with Rule 50 of the PFA Rules. The matter was stand posted before the court below on 24.10.2007.

The criminal revision petition is disposed of as above.

**K.R.UDAYABHANU,
JUDGE**

csl

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K.R.UDAYABHANU, J

Crl.R.P.No.869/1998

ORDER

4th September 2007